REMARKS

Claims 3-7 and 9-32 were previously pending in this application. Applicants are not canceling claims, adding claims or amending claims in this Response. As a result, claims 3-7 and 9-32 remain pending for examination with claims 11, 15, 24 and 30 being independent claims. No new matter has been added.

Declaration Under 37 C.F.R. §1.131

At page 2 and referring to the Declaration of Lorne Trottier et al. under 37 C.F.R. §1.131 and supporting Exhibits A-E (together "the Declaration") submitted in the Amendment and Response filed on December 5, 2008, the instant Office Action states "the examiner does not feel the declaration and/or exhibit properly demonstrate 'a graphics accelerator chip having at least two real-time uncompressed digital video streams' as recited in Claim 11." Applicants respectfully disagree and assert that the preceding is clear legal error in view of the character and weight of the Declaration.

First, Applicants respectfully assert that the Declaration expressly addresses the deficiencies alleged in the Office Action and provides facts of such character and weight that they contradict the conclusion reached by the Examiner in the Office Action. Second, the evidence provided in the Declaration includes evidence that directly corresponds to one or more embodiments described in the application, in particular, at least one embodiment that is clearly illustrated and described as including two video inputs for receiving two real-time uncompressed digital video streams.

Regarding the first of the above points, the Declaration states that "the G400 graphics accelerator chip was configured and operated to receive at least two real-time uncompressed digital video streams at the at least two video inputs" and also specifically describes that "[d]uring some portions of the testing documented in Exhibit A and Exhibit D, the video input [Vin] was configured to provide at least two video inputs to receive at least two real-time uncompressed digital video streams (for example, two real time uncompressed digital video streams provided over a time division multiplexed bus)." (Declaration at paragraph 8.) An additional express reference to the operation of the G400 graphics accelerator to perform "real-time editing of at least two real-time uncompressed digital video streams" is also provided at paragraph 9 of the Declaration. Further, Exhibit D expressly refers to such an embodiment when

(at page 8 of 24) Exhibit D refers to "dual stream playback with live effects." Thus, the Declaration alone provides facts more than sufficient to prove an actual reduction to practice at least because the Declaration expressly indicates that the G400 graphics accelerator was "configured to provide at least two video inputs to receive at least two real-time uncompressed digital video streams."

The fact that Exhibit B illustrates Vin in the manner shown is a result of Exhibit B providing a block diagram of the G400 graphics accelerator. Applicants respectfully assert that the character and weight of the Declaration is such that the deficiencies alleged on page 2 of the Office Action directly contradict the factual support provided by the Declaration for an actual reduction to practice of a "video editing apparatus … comprising … a graphics accelerator chip having at least two video inputs for receiving said at least two real-time uncompressed digital video streams." Further, Applicants assert that the character and weight of the facts provided in the Declaration are such that further details of any internal elements or external connections of the G400 graphics accelerator are unnecessary. Thus, Applicants respectfully assert that the block diagram of the G400 graphics accelerator with an input Vin as illustrated in Exhibit B in combination with the complete set of facts which are provided by the Declaration of Lorne Trottier et al. and Exhibits A-E, together, are more than sufficient to provide evidence of an actual reduction to practice of the claimed invention, when considered in full. Further, Applicants respectfully assert that the evidence does not support a contrary position as provided, for example, at page 2 of the Office Action.

The conclusions included in the preceding paragraph are further supported by the second of the above points. In particular, Applicants respectfully refer the Examiner to Fig. 1 and the description found at page 6, lines 19-29 of the application as originally filed. Here, the description states "graphics chip 36 is preferably a Matrox G400." The description also states that the "CODEC 12 is connected to video bus 41 which allows the CODEC to output in real-time video fields of two uncompressed video streams to the *input ports* 13 and 14 of the video stream input buffers 15 and 16 *of the graphics accelerator chip* 36. In the preferred embodiment a single bus TDMNX (with time division multiplexing to support multiple streams of video) is used." (Page 6, lines 19-24, emphasis added.) In summary, the Declaration is consistent with the preceding description of an embodiment in which a single time division multiplexed bus (see also Exhibit B of the Declaration) supports multiple streams of real-time uncompressed digital

video provided to two inputs of the graphics accelerator chip. In fact, each of the Declaration (including Exhibit B) and the originally-filed application includes a specific reference to operation of the G400 graphics accelerator chip. Thus, the Declaration provides factual evidence of an actual reduction to practice of the claimed invention, at least, because of the evidence that it provides concerning operation of the G400 graphics accelerator in an embodiment that clearly corresponds to that illustrated and described in the application, and includes two video inputs for receiving two real-time uncompressed digital video streams.

Rejections Under 35 U.S.C. §103

The Office Action rejects claims 3-7 and 9-32 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,678,002 to Frink et al. (hereinafter "Frink") in view of U.S. Patent No. 6,853,385 to MacInnis et al. (hereinafter "MacInnis"), in further view of U.S. Publication No. US 2007/0217518 to Valmiki et al. (hereinafter "Valmiki"). Applicants respectfully disagree and traverse this rejection for the reasons described below.

First, Applicants assert that the evidence provided by the Declaration is more than sufficient to prove an actual reduction to practice which is earlier than the effective date of each of MacInnis and Valmiki. Rather than repeat previously submitted remarks, Applicants incorporate by reference herein the section entitled "The Office Action Contains Legal Error by Ignoring the Applicants' Declaration" included in the Response filed on May 6, 2009 (the "May Response"). These remarks provide the details explaining why the Declaration provides evidence of an actual reduction to practice which is prior to the effective date of both MacInnis and Valmiki. Applicants respectfully assert that all of the pending claims are allowable at least because MacInnis and Valmiki cannot be applied against the claims in view of the Declaration.

Second, Applicants respectfully assert that even with MacInnis and Valmiki available as prior art against the claims (as stated above, Applicants assert that they are not properly available) the instant Office Action does not provide a *prima facie* case of obviousness, at least, because the asserted combination (Frink, MacInnis and Valmiki) does not teach or suggest all the limitations recited in the claims. Applicants do not repeat the prior arguments concerning the deficiencies of the combination of Frink and MacInnis, and Frink, MacInnis and Valmiki, which were provided in one or more previous Responses (of July 23, 2007; February 11, 2008; December 5, 2008; and the May Response) but note that they remain relevant in view of the

current rejection under 35 U.S.C. §103(a). Accordingly, Applicants incorporate those arguments and remarks by reference herein.

For at least all of the above reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 3-7 and 9-32 under 35 U.S.C. §103(a).

CONCLUSION

In view of the foregoing remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this response, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

A petition and fee for a one month extension of time are included herewith. If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an accompanying payment, please charge any deficiency to Deposit Account No. 50/2762, Ref. No. M1073-700719.

Respectfully submitted,
Lorne Trottier et al., Applicants

By: /Robert V. Donahoe/
Robert V. Donahoe, Reg. No. 46,667
LANDO & ANASTASI, LLP
One Main Street
Cambridge, Massachusetts 02142
United States of America
Telephone: 617-395-7000
Facsimile: 617-395-7070

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